

OFFICIAL COPY

Fresno, California

May 2, 2000

The City Council met in regular session at the hour of 9:09 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Sal Quintero	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President
Absent:	Henry Perea	Councilmember
	Dan Ronquillo	Councilmember (out of town on RDA business)

Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Monsignor Logan, Holy Spirit Catholic Church, gave the invocation.

Led the Pledge of Allegiance to the Flag.

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PROCLAMATION RECOGNIZING THE EMERALD PALMS APARTMENTS AS A “CERTIFIED WATER AWARE APARTMENT COMPLEX”

RESOLUTION OF COMMENDATION TO LINCOLN ELEMENTARY SCHOOL’S ODYSSEY OF THE MIND STATE CHAMPIONSHIP TEAM - COUNCILMEMBER MATHYS

PROCLAMATION OF ROBERT “BOB” DITTMAR DAY - PRESIDENT BOYAJIAN

PROCLAMATION OF MODERN WOODMEN OF AMERICA DAY - PRESIDENT BOYAJIAN

PROCLAMATION OF BOY SCOUTS OF AMERICA SPRING CAMPOREE

The above proclamations and resolutions were read and presented.

RESOLUTION OF COMMENDATION TO TOWER CHRISTIAN SCHOOL, "DESTINATION IMAGINATION TEAM" (ODYSSEY OF THE MIND) - COUNCILMEMBER STEITZ

Not held.

PRESENTATION OF CERTIFICATES TO THE P.R.I.D.E. TEAM FOR THE SPRING QUARTER

Certificates presented. Council recessed at 9:33 a.m. to attend a reception honoring the PRIDE team and reconvened in regular session at 9:52 a.m.

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APPROVE MINUTES OF APRIL 25, 2000

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the minutes of April 25, 2000, approved as submitted.

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APPROVE AGENDA:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JEFFREY REID, ANDREW SOUZA, JORGE AGUINIGA - EMPLOYEE ORGANIZATION: FCEA MOU EXTENSION - COUNCILMEMBER RONQUILLO

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

3. FCEA V. COF, CITY COUNCIL, JEFFREY M. REID, CITY MANAGER, YVONNE QUIRING, DIRECTOR OF HOUSING AND NEIGHBORHOOD REVITALIZATION

4. FCEA V. COF, JEFFREY M. REID, CITY MANAGER, CHIEF ADMINISTRATIVE OFFICER, ANDREW SOUZA, DIRECTOR OF ADMINISTRATIVE SERVICES, AND RON PRIMAVERA, DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES

City Clerk Klisch advised the above closed session items "A", "C-3" and "C-4" were being removed from the agenda at Councilmember Ronquillo's request.

BALLOT INITIATIVE RELATIVE TO INCREASE IN COUNCIL SALARIES - COUNCILMEMBER STEITZ

Councilmember Steitz advised he would give direction to staff next week to prepare and return with a resolution to place the matter on the ballot.

On motion of Councilmember Quintero, seconded by Councilmember Steitz, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Bredefeld, Mathys, Quintero, Steitz, Boyajian
Noes : None
Absent : Perea, Ronquillo

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ADOPT CONSENT CALENDAR:

(1A-1) RESOLUTION NO. 2000-132 - AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CITY OF FRESNO SEWER SYSTEM SUBORDINATE LIEN REVENUE REFUNDING BONDS, 2000 SERIES A; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, CONTRACT OF PURCHASE, REMARKETING AGREEMENT, AGREEMENT FOR REPURCHASE OF CERTAIN OUTSTANDING BONDS, STANDBY BOND PURCHASE AGREEMENT, PAYMENT AGREEMENT, OFFICIAL STATEMENT, AMENDMENT TO 1993 INDENTURE, AND OTHER RELATED DOCUMENTS; AND AUTHORIZING CERTAIN OTHER ACTIONS AND EXECUTION OF CERTAIN OTHER DOCUMENTS IN CONNECTION WITH THE REFINANCING OF EXISTING SEWER SYSTEM REVENUE BONDS

(1A-2) APPROVE NEW SCHEDULED AIRLINE MONTH-TO-MONTH TENANCY AND OPERATIONS AGREEMENT WITH ALLEGIANT AIR, INC., AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE SUBJECT AGREEMENT ON BEHALF OF THE CITY

(1A-4) RESOLUTION NO. 2000-133 - INTENT TO ANNEX THE FINAL MAP OF TRACT NO. 4314 AS ANNEXATION NO. 21 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES; AND SETTING THE PUBLIC HEARING FOR JUNE 6, 2000, AT 9:30 A.M.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Bredefeld, Mathys, Quintero, Steitz, Boyajian
Noes : None
Absent : Perea, Ronquillo

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(5A) APPROVE APPOINTMENT OF GARY TIMAN VIGEN TO THE TOWER DISTRICT REVIEW COMMITTEE - PRESIDENT BOYAJIAN

On motion of President Boyajian, seconded by Acting President Bredefeld, duly carried, RESOLVED, the appointment of Gary Timan Vigen to the Tower District Review Committee hereby approved, by the following vote:

Ayes : Bredefeld, Mathys, Quintero, Steitz, Boyajian
Noes : None
Absent : Perea, Ronquillo

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(5C) REQUEST CITY MANAGER PROVIDE AN UPDATE ON THE BIKE PATH ALONG COVENTRY COURT INCLUDING A TIME LINE FOR CONSTRUCTION - COUNCILMEMBER MATHYS

Request made with Councilmember Mathys expressing his strong concern stating direction was given a year ago yet it was still uncertain whether or not a bike path would be built and whether or not it would encroach upon the Coventry Court community or be constructed outside. City Manager Reid responded to Councilmember Mathys' concerns, gave an oral status report emphasizing things were happening and explained, noted staff was faced with numerous projects at this time, and advised staff would provide a written report by May 12th. Councilmember Mathys reiterated his concern adding when policy direction was given Council was faced with a tremendous amount of time and effort to get things accomplished. There was no action taken.

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(10:00 A.M.) APPEARANCE BY JOHNNY NELUM, NAACP PRESIDENT, TO DISCUSS PERSONNEL ISSUES

Appearance made with Mr. Nelum expressing his strong concern relative to an incident wherein an offensive racist word was made to a city employee, advised the NAACP filed a complaint on the incident which had not been responded to, requested Council direct an independent investigation, and questioned the legality of obtaining a response from the City and requested an official written response to the NAACP on the allegations and findings.

(2 - 0) City Manager Reid and Department of Administrative Services Director Souza responded to comments made and concerns expressed, stressed the City took the matter and allegations very seriously, and advised a thorough investigation was conducted and action was taken against a Supervisor but staff could not discuss the actions taken in depth due to employee rights and personnel confidentiality issues.

Lengthy discussion ensued. Mr. Reid stated staff would respond in writing to the NAACP, and City Attorney Montoy stated her office would work with Mr. Reid relative to how much of the investigation and action could be disclosed. There was no further discussion.

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(10:05 A.M.) APPEARANCE BY ALBERT MOVSESIAN REQUESTING FAX HANDYRIDE UPGRADE THEIR TRANSPORTATION TO PROVIDE 24-HOUR SERVICE AND PROVIDE ADDITIONAL BUSES TO MEET THE INCREASED NUMBER OF HANDICAPPED INDIVIDUALS IN THE CITY

Appearance made with Mr. Movsesian explaining problems faced by individuals, emphasized additional buses were needed, and requested the City give direction to Laidlaw relative to operating the handyride transportation system more efficiently.

Transit Manager Rudd responded to concerns expressed, concurred there was a problem due to growth, explained challenges faced by staff with the system and requirements, and advised staff was currently addressing the issue. Brief discussion ensued and Mr. Movsesian was invited to attend ADA meetings to give his input. There was no further discussion.

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(10:10 A.M.) REQUEST THE CITY MANAGER TO DIRECT THE DEVELOPMENT DEPARTMENT TO MOVE FORWARD WITH THE RE-NAMING OF N. PARKWAY DRIVE TO "N. ISLAND PARK WAY" OR ANY NAME THAT IDENTIFIES THE ISLAND WATER PARK - COUNCILMEMBER MATHYS

Councilmember Mathys reviewed the issue, stressed Fresno had a regional attraction on the 99 corridor yet there was no freeway signage directing visitors to the water park, **(3 - 0)** and requested staff move forward to start the street renaming process which would allow for freeway signage.

Bill Kuebler, Marketing Director for Island Water Park, spoke in support of the name change.

On motion of Councilmember Mathys, seconded by Acting President Bredefeld, duly carried, RESOLVED, the City Manager requested to direct staff to move forward with the renaming of Parkway Drive to North Island Park Way or any name that identifies the Island Water Park, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Perea, Ronquillo

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(1A-3) APPROVE A 5-YEAR CONTRACT WITH MCI WORLDCOM FOR T-1, PRI, DID, LONG DISTANCE AND OTHER RELATED COMMUNICATIONS SERVICES AND EQUIPMENT

Brief reviewed by Information Services Director Cluff who stated the contract would result in a \$500,000 savings over a 5-year period, and along with City Manager Reid clarified issues and responded to questions of President Boyajian relative to how the \$500,000 savings figure was arrived at, who currently provided the service, and the RFP process.

City Attorney Montoy advised the possibility of Acting President Bredefeld having a conflict of interest had just come up, noted Acting President Bredefeld would recuse himself from proceedings at this time until her office made a determination, and advised Council could hear the matter as scheduled and delay taking action one week for a full Council or proceed and act this date with four Councilmembers. Acting President Bredefeld recused himself at 11:10 a.m.

A motion of President Boyajian, seconded by Councilmember Quintero, to hear the matter this date, take the testimony/information under submission, and delay action for one week for a full Council failed, by the following vote:

Ayes	:	Quintero, Boyajian
Noes	:	Mathys, Steitz
Absent:	:	Bredefeld, Perea, Ronquillo

Speaking in support of awarding the contract to Pacific Bell and/or expressing concerns with the RFP were: Eric Johnson, Pacific Bell; Dan Noell, Pacific Bell Area Vice President, 5201 Chessington Ct., Granite Bay, CA; Julie Tone, Pacific Bell Regional Sales Manager, 1180 E. Shaw #214; and Nadine Cox, President, Communications Workers Local 9408, 7370 N. Warren. Acting President Bredefeld returned to the meeting at 11:22 a.m.

Ms. Montoy advised after checking with the FPPC it was determined Acting President Bredefeld did not have a conflict of interest.

Jeff Maybe, MCI Major Account Manager, and Mr. Johnson responded to questions of Councilmember Mathys relative to MCI's presence in the area, staffing, and experience in providing local service, how long MCI had owned Brooks Fiber, number of Pacific Bell accounts and employees, what separated one company from the other, and how long Pac Bell had been located here. Councilmember Mathys emphasized Pac Bell had been here a long time, stated he would not be supporting staff's recommendation, and requested the City Manager continue to negotiate with Pac Bell to provide the services needed.

Mr. Cluff, Ms. Montoy, Mr. Johnson, Mr. Noell, and Mr. Maybe responded to questions of Councilmember Steitz and Acting President Bredefeld relative to the RFP team's recommendation to award to MCI based upon the \$90-\$100,000 savings per year, if there would be any difference in service if awarded to MCI, the memo submitted to Council this date indicating no capabilities would be lost with leaving Pac Bell, agencies contacted relative to the switch, if there were any irregularities with the RFP process, if Pac Bell thought the \$100,000 a year savings number was incorrect, how justification could be made to pay \$100,000 more a year for the same service, **(4 - 0)** if there was anything Pac Bell was doing that MCI could not do, and companies currently being served by MCI.

Acting President Bredefeld stated the issue was cost, stressed the evaluation team looked at all details and the competitive bid process was a fair process, and made a motion to approve staff's recommendation to award the contract to MCI, which motion was seconded and later acted upon.

Discussion ensued with Mr. Reid responding to earlier comments relative to obtaining the best service and reliability with Pac Bell, and stated MCI had a proven track record and explained. Councilmember Mathys reiterated his support for Pac Bell emphasizing this was also a quality of life issue and they were doing a great job. Mr. Cluff and Mr. Noell responded to questions of President Boyajian relative to how consultant CMA was selected, comparisons that were made and if they were made objectively, and if MCI and Pac Bell would be providing the exact same service with Pac Bell costing more. Mr. Noell clarified their bid and stated Pac Bell could lower their bid price in two areas and explained.

A motion of Acting President Bredefeld, seconded by Councilmember Steitz, to approve a 5-year contract with MCI Worldcom for T-1, PRI, DID, Long Distance and other related communications services and equipment failed, by the following vote:

Ayes	:	Bredefeld, Steitz
Noes	:	Mathys, Quintero, Boyajian
Absent	:	Perea, Ronquillo

Upon question of Councilmember Steitz, Mr. Reid stated strategies would have to be developed to readdress the City's needs.

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LUNCH RECESS - 12:05 P.M. - 2:29 P.M. Councilmember Steitz arrived later in the meeting.

(1A-5) APPROVE AGREEMENT WITH HDR ENGINEERING, INC. TO PROVIDE ASSISTANCE TO THE WASTEWATER MANAGEMENT AND SEWER MAINTENANCE DIVISIONS IN DEVELOPMENT OF COST REDUCTION OPPORTUNITIES AND COMPETITIVE BUSINESS STRATEGIES

Interim Public Utilities Director Abramson briefly reviewed the staff report as submitted.

Alex Correa, Local 39 Business Agent, stated although they supported the hiring of a consultant they did not support privatization or managed competition, and requested assurance that inclusion of sewer maintenance would not detract from wastewater's schedule, with Mr. Abramson confirming that commitment had been made.

On motion of Councilmember Quintero, seconded by Councilmember Mathys, duly carried, RESOLVED, an agreement with HDR Engineering, Inc., in the amount of \$143,000 to provide assistance to the Wastewater Management and Sewer Maintenance Divisions in development of cost reduction opportunities and competitive business strategies hereby approved, and the Public Works Director authorized to sign the agreement on behalf of the City, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Boyajian
Noes	:	None
Absent	:	Perea, Ronquillo, Steitz

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(1A-6) * RESOLUTION NO. 2000-134 - 369TH AMENDMENT TO MFS RES 80-420 AMENDING THE MONTHLY, QUARTERLY AND ANNUAL PARKING PERMIT FEE FOR PARKING GARAGE NO. 7 AT INYO AND VAN NESS AVENUES

Upon question of Acting President Bredefeld, Public Works Director White clarified additional vehicles utilizing the parking structure at a lower rate would result in increased revenues.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-134 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Boyajian
Noes	:	None
Absent	:	Perea, Ronquillo, Steitz

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(3A) APPROVE THE NEGOTIATED AGREEMENTS DESIGNED TO ADDRESS AFFORDABLE HOUSING NEEDS USING THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FOR CONSTRUCTION OF EIGHT NEW HOMES BY NEIGHBORHOOD OPPORTUNITIES FOR AFFORDABLE HOUSING, INC. (NOAH) AND NINE GRANT HOUSING REHABILITATION PROJECTS BY THE DEPARTMENT OF HOUSING AND NEIGHBORHOOD REVITALIZATION (HNR)

HNR Manager Bowness reviewed the issue and staff report as submitted, and explained how the projects would be funded. City Manager Reid clarified issues relative to CHDO's and their abilities and capacities, and along with Ms. Bowness responded to concerns and questions of Councilmember Quintero and President Boyajian relative to whether any consideration was given to building any of the homes in southeast Fresno, when the next consideration would occur on areas to build, how the subject locations were chosen, and the need to consider other areas in Fresno, with Councilmember Quintero stating he would be requesting more emphasis be placed on southeast Fresno in the next round.

President Boyajian noted for the record a letter received from Luisa Medina expressing concern that competitive bidding was not used for the projects, with Ms. Bowness responding OPA's were allowed and advised competitive bidding would be used in the fall. Ms. Bowness responded to additional questions of President Boyajian on the CHDO's and qualifications of non-profits to build the homes.

On motion of Councilmember Quintero, seconded by President Boyajian, duly carried, RESOLVED, (1) the City Manager authorized to execute the negotiated agreements totaling \$892,000, subject to such nonmaterial changes as may be approved by the City Attorney as to form, and (2) the Department of Housing and Neighborhood Revitalization (HNR) authorized to carry out the \$25,000 exterior facade rehabilitation project to address the affordable housing needs as set forth in the agreement using the HOME Investment Partnership Program for construction of eight new homes by Neighborhood Opportunities for Affordable Housing, Inc. (NOAH) and nine grants for the housing rehabilitation projects by HNR, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Boyajian
Noes	:	None
Absent	:	Perea, Ronquillo, Steitz

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(5B) REQUEST FOR UPDATE ON THE UGM AUDIT - COUNCILMEMBER QUINTERO

(5 - 0) Request made with City Manager Reid advising Council would be receiving a report on the matter in one day. Mr. Reid and City Attorney Montoy responded to numerous questions of Councilmember Quintero relative to UGM fees, annual audits, if the City was required to audit fees annually, liability to the City if fees were not audited annually, reimbursement process, fee collection process, and what triggers the right of reimbursement. Councilmember Steitz arrived at 3:06 p.m. Mr. Reid continued with his response to questions relative to whether UGM fees had ever been adjusted, if there was a requirement to adjust fees, requirements for use of fees and areas the fees could be used in, type of report staff would be sending to Council, and the need to look at the entire UGM program and update it. President Boyajian concurred UGM fees should be increased so that development would pay for itself. There was no further discussion.

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(11:00 A.M.) CLOSED SESSION:

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

1. CLAIM OF CRISTOFER LLANES
2. CLAIM OF GAIL FINN
3. CLAIM OF EVE SILVESTRI
4. COF AS LESSOR OF AIRWAYS MUNICIPAL GOLF COURSE ("CITY") AND CCA SILBAND/GOLF CORP., F/K/A/CCA SILBAND SPORTS CORP., AS LESSEE OF AIRWAYS MUNICIPAL GOLF COURSE ("TENANT")

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. VIOLET SMITH V. COF, ET AL
2. SCOUT ISLAND V. COF - COUNCILMEMBER MATHYS

The Council met in closed session in Room 2125 at the hour of 3:15 p.m. to consider the above matters.

CLOSED SESSION ANNOUNCEMENT

In the matter of Items **B-1, B-2** and **B-3**, Claims of Cristofer Llanes, Gail Finn and Eve Silvestri for \$20 million relating to an accident which occurred on October 17, 1999, resulting in the death of Christina Llanes, the Council voted 4-0-3 to deny the claims with Councilmembers Mathys, Perea and Ronquillo absent.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 4:45 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED this _____ day of _____, 2000.

Tom Boyajian, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk